



12th Annual USACE SB Conference Battle Rhythmic

THEME: Building Strong Today for A Secure Tomorrow

1. CECG Attendance Mandate Memorandum
2. Conference Schedule at A Glance
3. CENWO Battle Rhythm
 - Program Delivery Team
 - CENWO MCS Command Brief
 - SB Success Stories
 - CENWO-SB Training Brief
 - CENWO KCENWD Display



CENWO Battle Rhythm

1. Program Delivery Team
2. CENWO MCS Command Brief
3. SB Success Stories
4. CENWO-SB Training Brief: Joint-Venture and Subcontracting
5. CENWO Networking Activities
 - CENWD Display
 - PDT Outreach
 - FY09 Business Opportunities
 - Kiosk: Command Brief, AC – SB Updates



12th Annual Small Business – Commander – Contracting Conference

TEAM OMAHA DISTRICT

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12th Annual Small Business Conference Division Briefs

Division Name
Commander

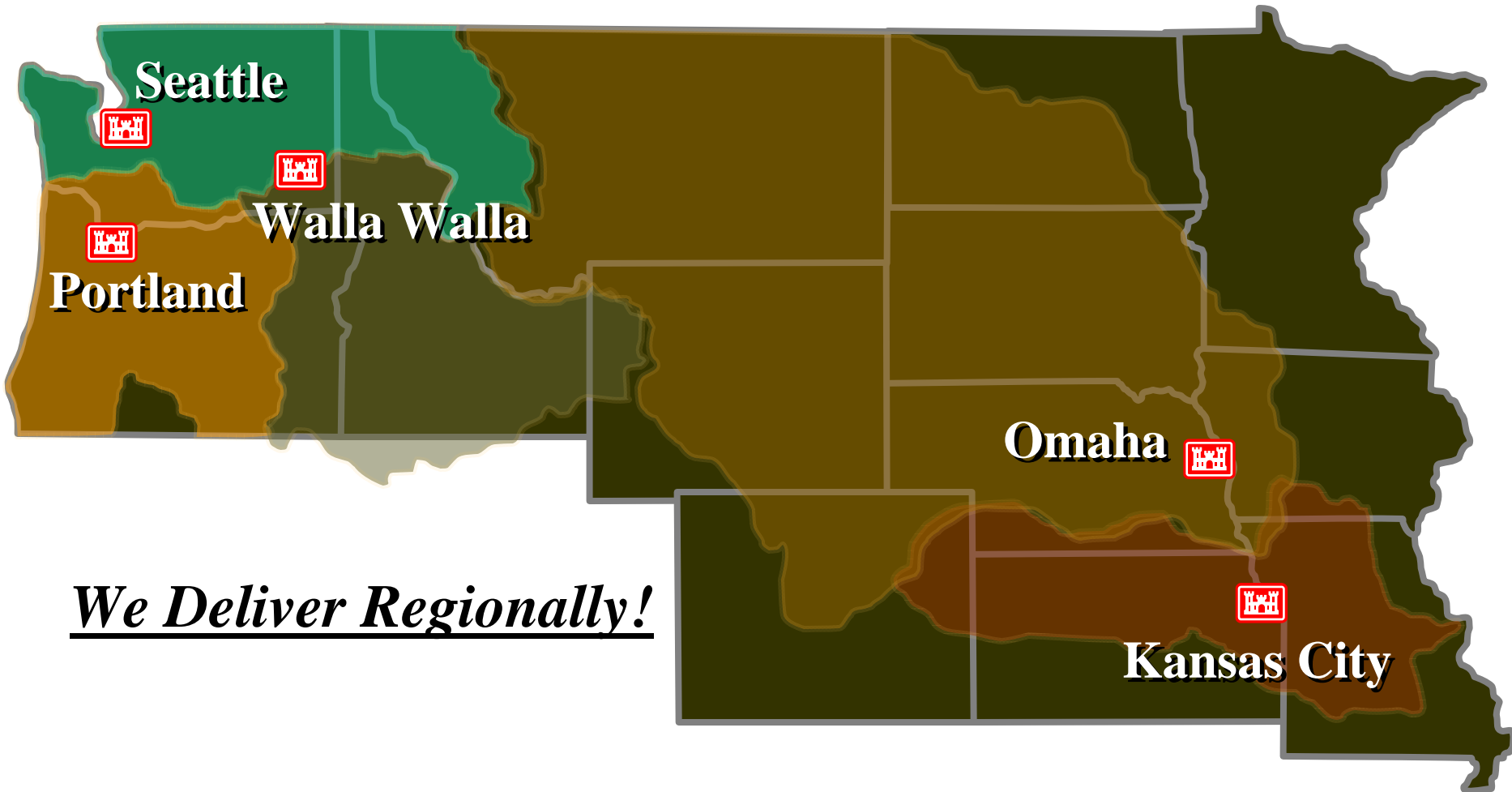


BUILDING STRONG!

09 December 2008



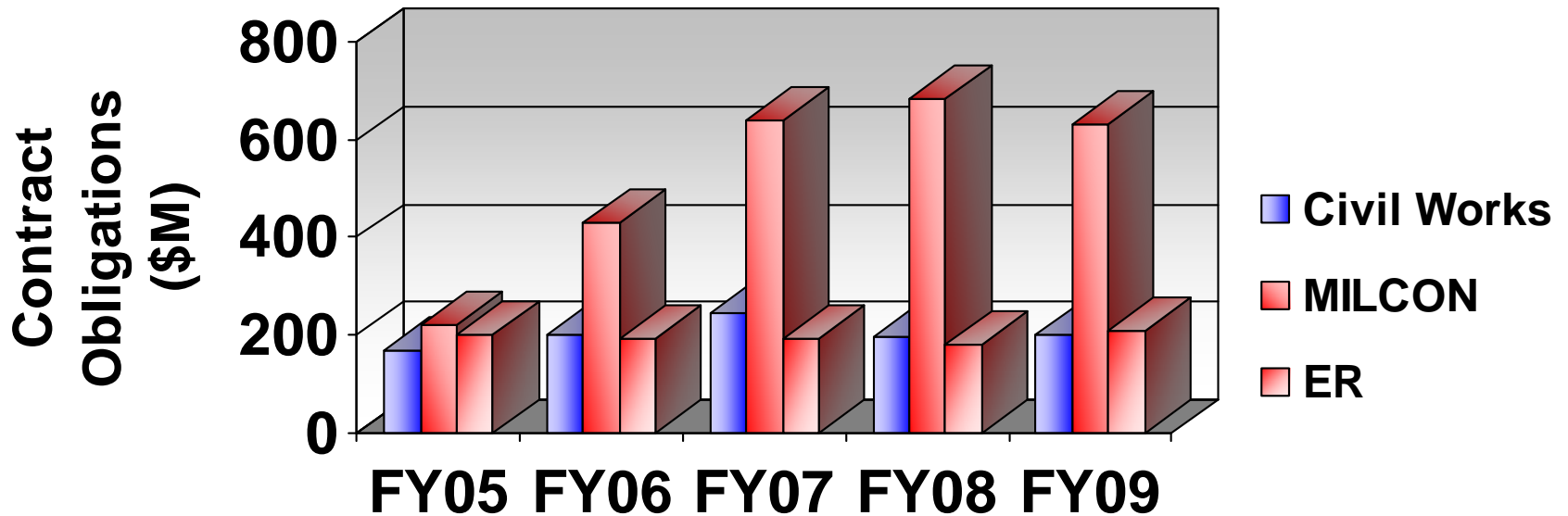
Northwestern Division



We Deliver Regionally!



Omaha District Workload



	FY05	FY06	FY07	FY08	FY09
CW	168	202	244	197	200
MIL	220	431	640	685	631
ER	202	193	192.5	181	210
\$M	590	826	1077	1063	1041



Yellowstone River Corridor Project, Montana

Planning Branch



Major Customer Areas

- Missouri River - MO, NE, IA, SD, ND, MT
- Rocky Mountain Front Range - Denver, Greeley, Boulder, CO and Cheyenne, WY
- Yellowstone River Basin – WY, MT, ND
- Platte River Corridor - NE, CO, WY
- Eastern Nebraska and Western Iowa
- Federally Recognized Tribal Governments – Nebraska, North and South Dakota, Montana
- Federal Agencies – National Park Service, Bureau of Reclamation



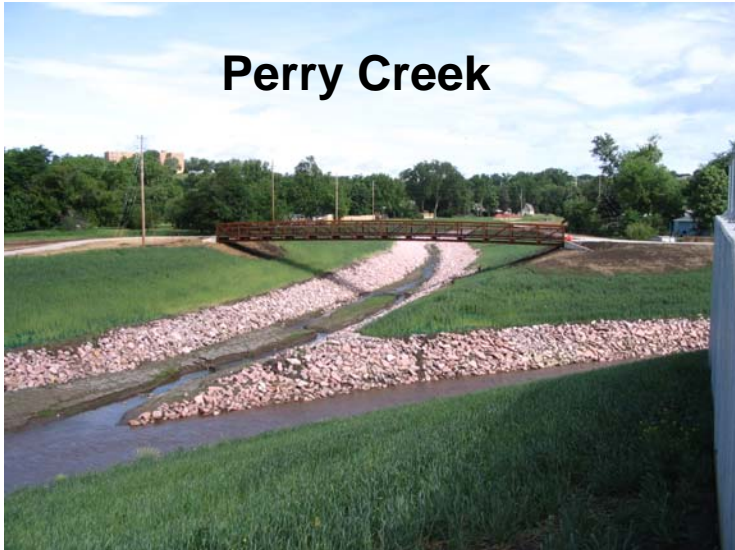
Planning Branch Major Programs

- General Investigations (GI) – Congressionally Authorized studies and design.
- Construction General (CG)- Congressionally authorized construction and regional programs (Rec River, Section 514, Section 203, etc...).
- Continuing Authorities (CAP) – Programmatic authorizations for small projects (Section 205, Section 206, Section 1135, etc...).
- Cultural Resources Program management and implementation
- Project Management, Environmental, Cultural, Native American consultation support to Missouri River Recovery and Mitigation Program and to Project Delivery Teams (internal and virtual)



Civil Works Branch

Perry Creek

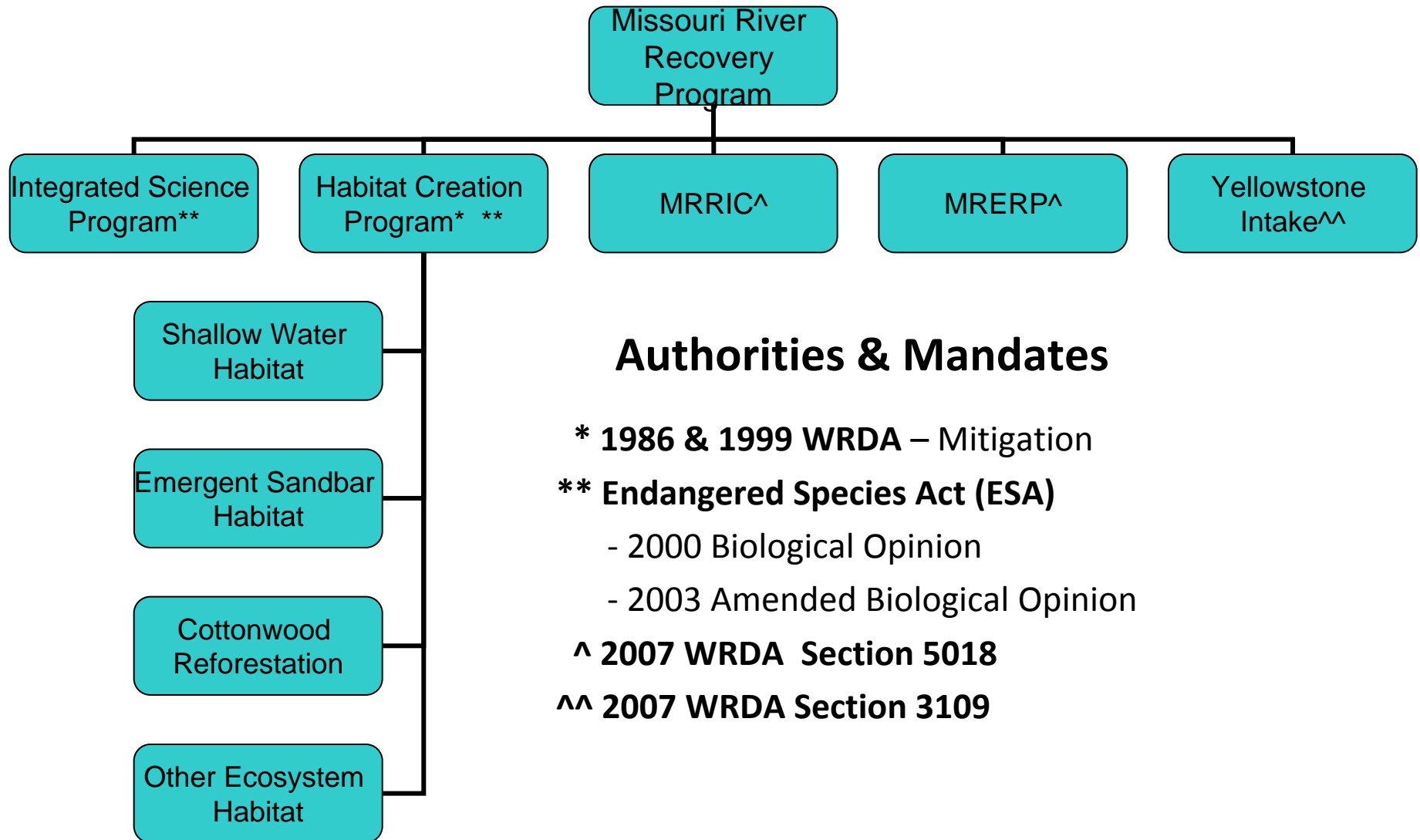
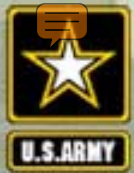


Boyer Bend



Western Sarpy





Authorities & Mandates

- * **1986 & 1999 WRDA – Mitigation**
- ** **Endangered Species Act (ESA)**
 - 2000 Biological Opinion
 - 2003 Amended Biological Opinion
- ^ **2007 WRDA Section 5018**
- ^^ **2007 WRDA Section 3109**



<u>Project Location/Type of Project</u>	<u>Cost Range</u>	<u>Proposed Adv Date</u> (Qtr/FY)
➤ Western Sarpy, Nebraska <ul style="list-style-type: none">• Levee Construction	\$1M - \$3M	2/09
➤ Yellowstone Corridor Study <ul style="list-style-type: none">• Economic Study	\$100K - \$300K	3/09
➤ Cherry Creek Dam Safety <ul style="list-style-type: none">• Flood Warning System• Inundation Mapping	\$100 K - \$300 K \$250 K - \$500 K	3/09 4/09
➤ Lower Yellowstone Project, Intake, MT <ul style="list-style-type: none">• Entrainment Protection (Screens)• Entrainment Protection Headworks	\$3M - \$5M \$7M - \$10M	4/11 4/11



<u>Project Location/Type of Project</u>	<u>Cost Range</u>	<u>Proposed Adv Date (Qtr/FY)</u>
<i>Acquisition = IFB (Low Bid)/ RFP (Request for Proposal)</i>		
➤ Big Bend Dam, South Dakota		
• Stabilization Leischers Ranch	\$200K - \$400K	1/10
• Stabilization DeGrey	\$600K - \$900K	2/10
• Remedial Water Stop Upgrade	\$500K - \$800K	1/10
➤ Ft Randall Dam, South Dakota		
• Stabilization Project	\$100K - \$300K	1/09
• Re-inventory BonHomme	\$100K - \$300K	3/09
• Replace Generator Exciters	\$3M - \$5M	4/09
➤ Gavins Point Dam, South Dakota		
• Re-inventory Cedar & Knox Counties	\$100K-\$200K	1/09



<u>Project Location/Type of Project</u>	<u>Cost Range</u>	<u>Proposed Adv Date</u> (Qtr/FY)
<i>Acquisition = IFB (Low Bid) / RFP (Request for Proposal)</i>		
➤ Garrison Dam, North Dakota		
• Replace Transformers	\$5M - \$10M	1/09
• Replace Breakers	\$100K-\$500K	4/09
• Station Service Upgrade	\$2 M - \$3 M	3/09
➤ Oahe Dam, South Dakota		
• 2 Stabilization Projects	\$500K - 1M	2/09
• Switchyard Breaker Replacement	\$3M - \$5M	4/09
• Generator Breaker Replacement	\$2M - \$4M	1/10



<u><i>Project Location/Type of Project</i></u>	<u><i>Cost Range</i></u>	<u><i>Proposed Adv Date (Qtr/FY)</i></u>
<i>Acquisition = IFB (Low Bid) / RFP (Request for Proposal)</i>		
➤ Big Sioux River, South Dakota <ul style="list-style-type: none">• Flood Damage Reduction	\$4M - \$12M	3/09
➤ Perry Creek, Iowa <ul style="list-style-type: none">• Flood Damage Reduction	\$1M - \$3M	3/09



<u>Project Location/Type of Project</u>	<u>Cost Range</u>	<u>Proposed Adv Date</u> (Qtr/FY)
Missouri River Fish & Wildlife Recovery (Mitigation/Shallow Water Habitat) <i>Acquisition = Downstream Unrestricted and HUBZone MATOCs</i>		
• Boyer Bend Backwater, NE	\$1M - \$5M	1/09
• Lower Calhoun Chute, NE	\$1M - \$5M	1/09
• Fawn Island, IA	\$1M - \$5M	2/09
• In-Channel Structure	\$500K - \$3M	3/09
• Three Rivers, IA	\$1M - \$5M	3/09
• Blackbird Bend, IA	\$1M - \$5M	4/09
• Fort Calhoun Backwater, NE	\$1M - \$5M	4/09



<u><i>Project Location/Type of Project</i></u>	<u><i>Cost Range</i></u>	<u><i>Proposed Adv Date</i></u> (Qtr/FY)
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Missouri River Fish & Wildlife Recovery (Shallow Water Habitat)

Acquisition = Downstream Unrestricted and HUBZone MATOCs

• Below Gavins, SD & NE RM 781.4	\$1M - \$3M	3/09
• Below Gavins, SD & NE RM 797.5	\$1M - \$2M	3/09
• Below Gavins, SD & NE RM 768	\$1M - \$2M	4/09
• Below Gavins, SD & NE RM 793	\$1M - \$2M	4/09
• Below Gavins, SD & NE RM 790	\$1M - \$2M	4/09

Acquisition = existing Upstream MATOC

• Below Ft. Randall, SD & NE RM 842	\$1M - \$5M	3/09
• Below Ft. Randall, SD & NE RM 863	\$1M - \$5M	4/09



US Army Corps of Engineers



Military Branch





US Army Corps of Engineers

<u>Project Location/Type of Project</u>	<u>Cost Range</u>	<u>Proposed Adv Date</u>
➤ Offutt AFB, NE Naval Ops Support Center (NOSC)	\$1M - \$3M	2/09
➤ F.E. Warren AFB, WY Renovate Historic Dorms 226	\$5M - \$8M	10/08
➤ Grand Forks AFB, ND Fire Station	\$9M - \$12M	4/09
➤ Ellsworth AFB, SD Base Entry & Perimeter Gates	\$8M - \$11M	4/09
➤ Air Force Academy, CO Upgrade Academic Facility	\$11M - \$14M	5/09
➤ Buckley AFB, CO Mississippi Gate Enhancements	\$1M - \$3M	5/09
Satellite Pharmacy	\$1M - \$3M	5/09



Project Location/Type of Project

Cost Range

Adv date

Fort Carson, CO

47th BCT Site & Infrastructure	\$60M - \$65M	2/09
Physical Fitness Center	\$25M - \$30M	3/09
Dining Facility	\$10M - \$14M	3/09
Brigade Battalion HQ	\$30M - \$41M	3/09

**** Ft. Carson Acquisitions Below to Existing SATOC or MATOCs**

**Barracks	\$130M - \$140M	3/09
**Company Operations	\$80M - \$90M	3/09
** TEMFS	\$70M - \$80M	3/09
**Battalion Complex	\$35M - \$41M	2/09
**Unit Maintenance Facility	\$12M - \$14M	2/09



US Army Corps of Engineers



Underground Storage Tank Removal at Fort Carson, CO

Environmental Remediation Branch



- **Air Force Environmental Restoration Program/Environmental Quality Compliance**
 - Air Combat Command (ACC) (*15 bases*)
 - Air Mobility Command (AMC) (*6 bases*)
 - Air Force Material Command (AFMC) (*3 bases*)
 - Air Education and Training Command (AETC) (*2 bases*)
 - Real Property Agency (AFRPA) (*4 bases + HQ support*)
 - Space Command (*2 bases*)
 - Air Force Center for Engineering and the Environment (AFCEE)



- **Value-added environmental services to Federal agencies including:**
 - Investigations
 - Studies
 - Remedial Design
 - Remedial Actions, including rapid response
 - Long-Term Operation/Long-Term Maintenance (LTO/LTM)
 - Military Munitions Response Program (MMRP)
 - Emphasis is on remedy in place (RIP), response complete (RC) and site closeouts.



<u>Project Location/Type of Project</u>	<u>Cost Range</u>	<u>Proposed Adv Date</u> (Qtr/FY)	<u>Proposed Awd Date</u> (Qtr/FY)
8a ERS Indefinite Delivery Indefinite Quantity (IDIQ) Single Award Task Order Contract (SATOC)	\$ 9M	4/08	2/09
➤SDV ERS IDIQ SATOC	\$ 9M	1/09	2/09
➤Hub Zone ERS IDIQ SATOC	\$ 9M	1/09	2/09
➤ERS IDIQ Multi Award Remediation Contract (\$90M – SB Regional, \$80M – SB National & \$80M - Unrestricted National)	\$250M	2/09	2/09
➤MMRP SB IDIQ SATOC	\$ 9M	1/09	2/09
➤Remote Sensing (RS) MMRP SB IDIQ SATOC	\$ 9M	1/09	2/09



<u>Project Location/Type of Project</u>	<u>Cost Range</u>	<u>Proposed Award Date (Qtr/FY)</u>
➤ Security Disaster Infrastructure Construction (SDIC) – 8a	\$200M	4/08
➤ Rapid Response Environmental Response (Advertise 3 rd Qtr FY09)	\$450M	1/10
➤ MEGA ERS/MMRP Contract (Joint Sacramento, Tulsa, Kansas City and Omaha)	\$2.5B	2/10



Replace Family Housing, Minot AFB, North Dakota

Renderings of Junior Non-Commissioned Officers (JNCO) 2 Bedroom modified units. "A design-build construction contract was awarded to the small business firm of RMR Joint Venture of Minot, ND for the Replace Family Housing, Phase 13. The Contract was in excess of \$160 Million and will construct 520 new military family housing units of various types over the next 4-1/2 years. This project will demolish nearly 600 existing housing units and will provide all new utilities, sidewalks, streets, etc. RMR Joint Venture is a joint venture of 3 local small business firms (Rolac Contracting, Inc., Mattson Construction Company, and Real Builders, Inc.). RMR JV has also constructed the Phase 11 (FY 05) Housing project (\$39 Mil) and completed the project nearly 4 months early. The Minot AFB Housing Program has been a great success and RMR Joint Venture is the prime reason for this success.



Unit Type A Style 1
Minot Air Force Base
Replace Family Housing - Phase 12

LEO A DAILY



Unit Type B Style 2
Minot Air Force Base
Replace Family Housing - Phase 12

LEO A DAILY



**HUBZone Small Business: Western Contracting Corporation
Sioux City IA**

**Missouri River Recovery Program – Construction of Emergent
Sandbar Habitat – Missouri River, RM 795, near St. Helena NE.**

- Contract Amount: \$1,341,500
- Notice to Proceed: September 9th, 2008.
- Scheduled Completion: May 8th, 2009.
- Actual Completion: November 19th, 2008.

Western Contracting Corporation, a HUBZone Small Business, constructed a 70 acre emergent sandbar habitat on the Missouri River utilizing innovative construction techniques. The concurrent use of a dragline mounted on a spud barge with traditional land based equipment allowed Western to complete the project significantly ahead of schedule. Western should be highly commended for their innovative approach .





Replace Family Housing Phase 4 & 5 – Ellsworth AFB, SD

- Acquisition Strategy was a competitive RFP for design and construction of Military Family Housing.
- Glenn C. Barber & Associates a local small business successfully completed against national housing firms for award of this contract.
- The project was managed by company officers. The company President is the project manager and his wife is the project Safety director.
- The schedule and safety were managed to the highest degree with outstanding quality resulting in a high degree of Customer satisfaction.
- \$34.6M Program Amount (PA); awarded project at 94% of PA;
- Beneficial Occupancy Date (BOD) 3 Dec 08; -7% BOD Time Growth and 1% Cost Growth



Company Grade Officer (CGO),
handicap adaptable four bedroom (ADA-4)



Senior Non Commissioned Officer (SNCO)
four bedroom duplex.



CGO four bedroom duplex.



Road Realignment & Infrastructure project – Fort Carson, Colorado

- TEPA EC (formerly Torix), a Native American-owned company, completed the \$23 million dollar Road Realignment & Infrastructure project in January 2008. The project primarily consisted of infrastructure (road, storm drainage and underground utility) construction to support the follow-on facilities constructed for the 1st Brigade, 4th ID.
- The project required Torix to demolish and reconstruct approximately 1/2 miles of 4-lane Specker Avenue, the main east-west road through Fort Carson. This road was reopened in October 2007 approximately 7 days ahead of schedule. This reconstruction also included construction of a new 4-lane concrete bridge over a large drainage.



Comm's Ductbank



New Irrigation ditch



Waterline Installation



MMRP: Indiana Army Ammunition Plant, Charlestown, Indiana

The project was performed under the Army's Military Munitions Response Program for Base Realignment and Closure (BRAC). The RA resulted in a No Further Action (NFA) recommendation from the Indiana Department of Environmental Management. Bay West completed a firm-fixed price (FFP) performance-based Engineering Evaluation/Cost Analyses (EE/CA), including Site Investigation, Remedial Design (RD), and Removal Action (RA) at a former small arms firing range site at the Indiana Army Ammunition Plant (INAAP). The property was turned over to the Indiana Department of Natural Resources for joint use as a hiking trail and a parking lot for a boat ramp approximately 10 months ahead of schedule.





Landfill 9 Corrective Measures Implementation, Fort Carson, Colorado

Team Omaha utilized North Wind, its Section 8(a), Hubzone IDIQ Service Provider. PDT members worked in very close coordination to arrange for the appropriate permits and training prior to start of cover construction activities. Design-build planning documents were prepared, including design drawings and specifications, Quality Control Plan, Storm Water Pollution Prevention Plan, and a Health and Safety Plan and were reviewed and approved by Fort Carson, USACE, and the State of Colorado within 3 weeks of contract award. Field activities commenced and the final site survey was conducted. Over 50,000 cubic yards of material were placed in less than 4 weeks, while enduring challenging and inclement weather conditions during one of the wettest springs on record for the area.. Following completion of soil compaction activities, the Final Interim Remedy Completion Report was prepared, reviewed, and submitted to the State of Colorado by the PDT within 2 weeks of completing the major corrective measure activities. This readied the site for the installation of the solar array. Mission Complete!





MMRP Studies at Multiple ARMY Installations

Team Omaha SB IDIQ Service Provider, e2M, has developed a dedicated core group of MMRP Project Managers and a Technically diverse support team. Its broad experience with investigation, design, and remediation projects was successfully applied to MMRP. Due to its technical and programmatic complexity, U.S. Army MMRP has challenged e2M to adapt to new requirements, quickly ramp up resources, design investigation programs that satisfy both program and Stakeholder (i.e., State and Federal regulators, installation, USACE, USAEC, and local community) requirements, and contribute to reaching Stakeholder agreement on site recommendations



Vulcan Range MRS -155MM - Cannon Range



Grenade Range - MM debris - 100 lb dummy rounds



Close up of 60 mm mortar round

Joint-Ventures and Subcontracting

Hubert J. Carter, Jr.
Office of Small Business Programs
Omaha District
U.S. Army Corps of Engineers



12th Annual USACE Small Business Conference
8-12 December 2008



CENWO-SB Objectives:

Educate, Develop & Sustain a Professional
World Class Workforce and Industrial Base
Acquisition and Small Business Updates
Strengthen Team Relationships

Command Philosophy

Mission First – People Always
Leadership Excellence
Stewardship
Communication



Dialogue

- Command Philosophy and Priorities
- Acquisition and Small Business Updates
- Joint-Venture and Subcontracting



District Commander Philosophy

- Mission and People: Mission first and people always
- Leadership Excellence: Leaders at all levels understand and support the national plans, goals and visions
- Stewardship: Accountability, security, safety and public service must be considered in all processes and actions.
- Communication: Tell our story and share our knowledge, experience and processes with others. Strive to be a genuine Learning Organization.



Chief of Engineers Priorities

- Support GWOT & expeditionary missions
- Enhance Quality of Support to Soldiers, Civilians, Families & the Public
- Complete transformation of the Theater Engineer Commands
- Effectively prepare for & respond to disasters
- Enable Gulf Coast recovery
- Deliver Military, Civil Works, and R&D programs and Projects



Workforce and Industrial Base

Construction Contractors:

Unlimited Capability

**Perform 100% of
Civil Works and Military**

**Construction
~300K daily**

34,000
Corps
Employees

Architect-Engineer Firms (5,000 employees)
Perform over 65% of planning and design

Sponsors, Federal Agencies, Associations



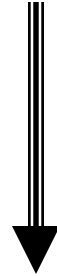
Small Business Updates

- Reinstatement of SB Set-Asides under the Small Business Competitiveness Demonstration Program (SBCDP)
- Under the SBCDP small business set-asides were suspended for certain Designated Industry Groups (DIG). See Federal Acquisition Regulation (FAR) Part 19.10 for a complete listing
- The Federal Procurement Data System-Next Generation indicates that for the 12-month period ending 30 September 2007, DOD's small business performance was less than 40% in DIG for Construction, non-Nuclear Ship Repair, Refuse Systems and Architect and Engineering Services (including Surveying and Mapping)
- Effective 2 June 2008, all contracting opportunities for the DIGs shall be solicited through competition restricted to eligible members of the Small Business Community

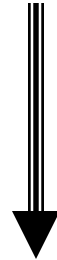


Small Business Priority

Section 8(a) **=====** **SDVOSB** **=====** **Hubzone**



Small business



Unrestricted competition



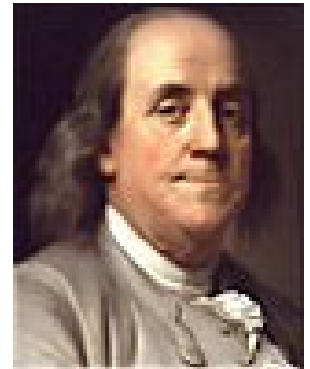
Acquisition Updates

- The 2009 Defense Authorization bill contains a sweeping set of acquisition reforms (<http://www.pubklaw.com/legis/s3001.pdf>).
- Congress included language to better identify and regulate non-competitive contracting. The provision states that within a year officials must amend the Federal Acquisition Regulation to require enhance competition for task orders and delivery orders under multiple-award contracts.
- CO must receive three bid rather than merely approach three bidders.
- The bill mandate a contractor misconduct database on civil or administrative proceedings against contractors with awards in excess of \$500k.
- Scrutiny and regulating the use of cost-reimbursable type contracts.
- Oversight of interagency acquisitions.
- Linking award and incentive fees to acquisition outcomes.



“Genius without education is like silver in the mine.”

***“Courteous Reader:
Remember that time is money.”***





Joint-Venture Defined

- An association of individuals and/or concerns with interests in any degree or proportion by way of contract, express or implied,
- Consorting to engage in and carry out no more than three specific or limited-purpose business ventures for joint profit over a two year period (“3-2 rule”),
- Combining efforts, property, money, skill, or knowledge,
- But not on a continuing or permanent basis for conducting business generally.

Reference: 13 CFR §121.103(h))



Joint-Venture Defined

- Represents the formation of a new company
- May be a small business, Section 8(a), a HUBZone or SDV joint venture
- Should be listed in CCR
- Consists of small businesses only (Exception of Section 8(a) mentor protégé.)
- Assist small businesses compete on larger contracts



Small Business Statue

- NAICS (North American Industry Classification System) code for the acquisition
- Three year average annual revenues
- Number of employees over the last 12 months



North American Industry Code System Links

<http://www.census.gov/epcd/naics02/naicod02.htm>

Finding size standards for a NAICS code:

<http://www.sba.gov/size/sizetable2002.html>



Affiliation Factors

- Others have power to control your business
- Common managers
- Identical business Interests
- Common stockholders
- Ownership of multiple businesses are owned
- Contractual relationships exist
- Joint venture arrangements exist ---

Others have the ability to control your business



What's the Deal?

- Revenues or employees are combined to determine size status
- You and your affiliates may be determined to be “Other than Small”
- You may be determined ineligible to response to solicitations set-aside for members of the Small Business Community.

References: 13 CFR §121.103 and 13 CFR §121.103(h)(2)



Case 1: Joint-Venture and Affiliation

- Small business set aside
- Environmental consulting services NAICS: 541620
- *NAICS 541310 size standard: \$6.5 million*
- *Estimated value of contract award: \$3.0 million*

- Joint venture firms are affiliated
- *Can firms with combined receipts of \$7 million compete as a small business joint venture for the set-aside?*
 1. Small business A: \$3.5 M average annual receipts
 2. Small business B: \$3.5 M average annual receipts
 3. Unable to perform the work individually

- No. Joint venture exceeds the size standard, is not a small business, and so it cannot compete.



The Exception

- Where the acquisition is too large (i.e. bundled acquisition) for members of the Small Business Community to compete.
- Large Acquisitions:
 1. Revenue based size standard: the dollar value of the procurement, including options, exceeds half the size standard of the procurement.
 2. Employee based size standard: dollar value of the procurement, with options, is over \$10 million.

References: 13 CFR §121.103(h)(2)



Case 2: Exception to Affiliation

- Small business set aside
- Environmental consulting services NAICS: 541620
- *NAICS code 541310 size standard: \$6.5 million.*
- *Joint venture firms are affiliated*

- *Can firms with combined receipts of \$7 million compete as a small business joint venture for the set-aside?*
 1. Small business A: \$3.5 M average annual receipts
 2. Small business B: \$3.5 M average annual receipts
 3. Unable to perform the work individually

- *Estimated value of contract award: \$4.0 million.*
- Joint venture affiliation is excepted because contract size is greater than half of the size standard

- *Yes. Joint venture may compete for the small business set-aside*



Set-asides and Subcontracting

- You can subcontract only so much. All small business set-asides are subject to subcontracting limitations.
- The joint venture is subject to the limitations
- Not applicable in unrestricted competition
- Affiliation again: “ostensible subcontracting”

References: FAR Part 19.508(e) and FAR Part 19.811-3(e)

FAR Clause: 52.219-14 – Limitations on Subcontracting.



Limitations on Subcontracting

Services Provide 50% of personnel costs	Supplies Provide 50% of cost of manufacturing, excluding materials
General Construction Perform 15% of cost of contract with own employees, excluding materials	Special Trade Construction Perform 25% of cost of contract with own employees, excluding materials



Ostensible Subcontractor

- A subcontractor that performs primary and vital requirements or a subcontractor upon which the prime contractor is unusually reliant.
- Applicable for small business set-asides.
- If an apparent low offer on a set-aside is what appears to be an ostensible subcontractor, referral is made to the Small Business Administration.

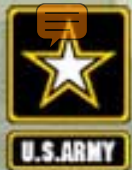
References: 13 CFR 121.103(h)(4) and FAR Part 19.302



Ostensible Subcontractor Factors Analysis

1. Who will manage the contract?
2. Which party possesses the requisite background and expertise to carryout contract?
3. Who “chased” the contract?
4. What degree of collaboration was there on the bid?
5. Are there discrete tasks to be performed or is there a commingling of personnel and materials?
6. What is the relative amount of work to be performed by each?
7. Which party performs the most complex and costly contract functions

The seven factors analysis is useful, is not excusive, conclusion is based on finding of unusual reliance rises to the level of a joint venture upon examination of the entire record and a reasonable evaluation of the circumstances (Office of Hearing and Appeal – SBA)



US Army Corps of Engineers

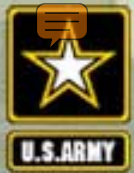


	Sole source	Competitive set-aside	Subcontracting limitations	Ostensible subcontracting scrutiny	Reminder: Affiliation size exceptions for JV
1. SB	No	Yes	Yes	Yes	Yes
2. Section 8(a)	Yes	Yes	Yes	Yes	Yes
3. HUBZone	Yes	Yes	Yes	Yes	Yes
4. SDV	Yes	Yes	Yes	Yes	Yes



Small Business Set-Asides Summary

- This slide applies to 8(a), HUBZone, and SDV set-asides too.
- JV consists of small firms only.
- Affiliation exceptions for large procurements. Limitations on subcontracting. ostensible subcontractor scrutiny, and subcontracting limitations apply.

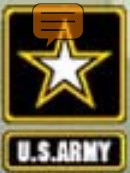


Section 8(a)

- SBA must have approved the joint venture agreement.
- Competes only for 8(a) procurements.
- At least one firm is 8(a) certified and less than one half the size standard corresponding to the NAICS code assigned to the contract.
- 8(a) firm must manage and furnish project manager and earn 51% of profits.
- See other special requirements in CFR requirements regarding 8(a) qualifications to joint venture.

References: 13 CFR 124.513)

SBA Website: http://www.sba.gov/dc/DC_8AJV.html

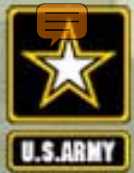


HUBZone Set-Aside

- JV consists of HZ firms only.
- Limitations on subcontracting apply.
- 50% of the cost of personnel must be performed by Hubzone

References: 13 CFR 126.70

FAR Clause: 52.219-3: Notice of Total Hubzone Set-Aside



Service-Disabled Veteran Set-Aside

JV formed per regs with SDV managing partner and SDV receiving 51% of profits.

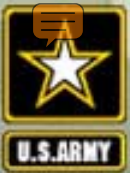
Reference: FAR Clause 52.219-27, Notice of Total Service Disabled Veteran-Owned Small Business Set-Aside



US Army Corps of Engineers

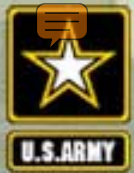


	Subcontracting limitations	Ostensible subcontracting scrutiny	Price evaluation preference
1. SB	No	No	No
2. SDB (Non DoD)	Yes	Yes	Yes
3. HUBZone	Yes	Yes	Yes



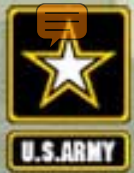
Unrestricted Competition

1. Small business: JV with small firms only. Not subject to limitations on subcontracting or ostensible subcontracting scrutiny. 8(a) mentor protégé is considered a “small business.”
2. Small disadvantaged business (SDB) JVs eligible for a 10% price evaluation preference over all firms. Exist only in **non-DoD** unrestricted competition. SDB is SBA-certified. Limitations on subcontracting and ostensible subcontracting scrutiny.
 - SDB JV formed per SDB regs at 13 CFR 124.1002(f). Consists of at least one SDB with other small business. SDB employee must be project manager responsible for performance. 51% ownerships of the JV by SDB,
 - See FAR 52.219-23: Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns and 52.219-22 Small Disadvantaged Business Status.
3. HUBZone JV consists of HZ firms and eligible for 10% price evaluation preference over large firms – and is subject to limitations on subcontracting and ostensible subcontracting scrutiny.
 - See FAR 52.219-4: Notice of Price Evaluation Preference for HUBZone Small Business



DOD Mentor-Protégé Programs Links

- Department of Defense:
http://www.acq.osd.mil/osbp/doing_business/index.htm
- Department of Homeland Security:
http://www.dhs.gov/xopnbiz/smallbusiness/editorial_0716.shtm
- Department of State: <http://www.state.gov/m/a/sdbu/c14690.htm>
- Department of Energy:
http://smallbusiness.doe.gov/Small_Business_Programs/Mentor-Protége/mentor-protege.html
- Department of Treasury:
<http://www.ustreas.gov/offices/management/dcfo/osdbu/mentor-protege/>



SBA's Mentor-Protégé Program

- Applicable to Section 8(a) Participants only
- May result in a JV with an “Other than Small” concern
- Section 8(a) may joint venture with its protégé to compete on any Federal procurement as a small business.
- Section 8(a) mentor protégé agreement must be reviewed annually by SBA

Reference: 13 CFR §121.103(h)(3)(iii)

Websites: www.sba.gov/8abd/indexmentorprogram.html
www.sba.gov/dc/dc_8amp.html

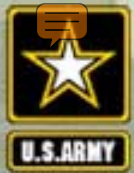


Case 3: Unrestricted – Full and Open Competition

- | | | |
|----|---------------------------------------|--------------|
| 1. | Industrial Building Construction code | 236210 |
| 2. | Size standard: | \$31 million |
| 3. | Estimated value: | \$28 million |

POSSIBLE SMALL BUSINESS BIDDER SCENARIOS:

- Small business A revenue \$16 M bids.
- Joint Venture B of two small businesses firms, revenues of \$18 M.
- Joint venture C forms consisting of SBA 8(a) mentor-protégé consisting of an 8(a) with a large business competes as a small business.
- Joint venture D consists of two HUBZone firms. (For HUBZones JVs claiming price 10% PEP, subcontracting limitations and ostensible subcontracting scrutiny apply.)



Code of Federal Regulations

- SBA Size Status : 13 CFR 121.103(h)
- HUBZone regs: 13 CFR 126.616
- Service Disabled Veteran: 13 CFR 125.15(b)
- Section 8(a) and SDB : 13 CFR 124.513
- Small disadvantaged business: 13 CFR 124.1002(f)

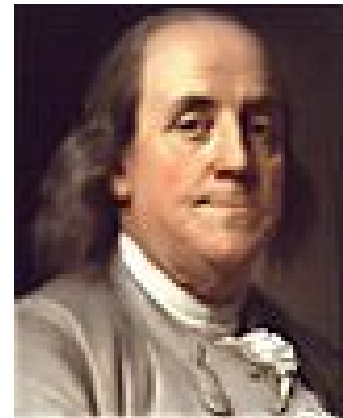
CFR website:

http://www.access.gpo.gov/nara/cfr/waisidx_06/13cfrv1_06.html



“Never confuse motion with action.”

***“Glass, china, and reputation,
are easily cracked, and never
well mended.”***



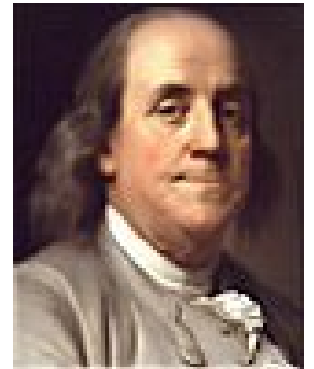


Preparation and Planning

- Finding the right joint venturers
- Creating a relationships with other firms
- Having the correct legal advice and agreement in place



***“An investment in knowledge
pays the best interest.”***





Preparation and Planning

- Research JV partner
- Compatibility
- Mutual commitment
- Communications and understanding of expectations
- Communications and review of performance
- Periodic review of agreements
- Close geographic proximity



Joint Venture Agreement Content

- Purpose and scope of agreement
- Legal organization
- Authorized representatives
- Management and performance clarity
- Handling substitution or addition of co-venturers
- Procedures for disputes
- Termination provisions



Joint Venture Agreement

- Use your attorney, understand, and monitor
- A Section 8(a) Participants must contact its Servicing SBA Office for Section 8(a) Mentor Propteg and Joint Venture Agreements
- Federal agency may wish to review your agreement
- Procurement Technical Assistance Center resource:

<http://www.dla.mil/db/procurem.htm>



“All mankind is divided into three classes: those that are immovable, those that are movable, and those that move. “





NWD DISPLAY



The pop-ups are approximately 4 feet wide and 8 feet tall. We have four of them; one for each mission; MILCON, Civil Works, Environmental, & Recreation/Power. Based on the spacing requirements, you will have problem covering the width of the booth.

Larry "Essayons" Myers
Executive Officer
Congressional Liaison
Tribal Liaison
IIS Coordinator



US Army Corps of Engineers



DISASTER RESPONSE

DISASTER RESPONSE

As the nation's primary federal engineering agency, the Corps has an impressive record in responding to natural disasters and other emergencies. The Corps cleans up debris, provides auxiliary power, makes repairs, and provides citizens with drinking water and ice. Corps professionals also give technical advice to state and federal officials inspecting and assessing damaged areas.

ENVIRONMENTAL

ENVIRONMENTAL

The Corps is extensively involved in environmental restoration, protection and stewardship. Environmental considerations have long been a major part of the Corps engineering, management, and technical support activities. The Corps monitors and regulates the deposit of dredged and fill materials in the nation's waters and wetlands. The Corps forms partnerships with State and other federal agencies, environmental groups, and private citizens to help solve ecological problems.

CIVIL WORKS

CIVIL WORKS

The Corps manages a comprehensive water resources program-including its traditional navigation and flood control missions in cooperation with other federal and state agencies and local sponsors. The Corps provides safe, reliable, and efficient water transportation systems for commerce, national security needs, and recreation. Corps dams and reservoirs prevent downstream flooding, save lives, and reduce property damages. With 75 hydropower projects and more than 460 lake projects, the Corps is the nation's largest producer of hydroelectric power and the nation's largest provider of water based outdoor recreation opportunities.

MILITARY

US Army Corps of Engineers

MILITARY

The Corps supports the nation's military in peace and wartime, both in the U.S. and overseas. The Corps designs and manages construction of homes, schools, hospitals, day care centers, office buildings, airports, and training ranges for military members and their families. In addition to Military construction, the Corps provides environmental restoration programs for removing hazardous materials, unsafe buildings, structures and debris from active and former military installations.